

COMMISSION CONFERENCE**OCTOBER 17, 2000**Agenda
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Present: Mayor Naugle
Commissioners Hutchinson, Katz, Moore, and Smith

Also Present: City Manager, City Attorney, City Clerk, and Police Sergeant

I-A – Proposed Five-Year Capital Improvement Plan (CIP) – Years 2000- 2005

A discussion was scheduled on the proposed five-year CIP for years 2000 to 2005. Mr. Frank Coulter, Deputy Public Services Director, distributed the CIP and noted that it involved about \$35 million per year. In the first year, the CIP budget was \$34.6 million from a number of different funds, and about \$1 million of federal block grant money was used, but that was presented in a separate report. He noted that the Public Services CIP amounted to \$21 million this year.

Mr. Coulter stated that the General Fund contribution to the CIP was about 40% or \$4.3 million, with the Water & Sewer Fund contributing about \$1.8 million. In addition, gas tax monies were utilized along with interest earnings, and about \$1.2 million was being borrowed. He recalled discussion at the Commission's infrastructure workshop meeting held about 18 months ago about three priorities – public health and safety, maintenance of existing infrastructure, and enhancement of the quality of life. Mr. Coulter pointed out that fire recapitalization had been reduced from last year, and the money would be used this year to fund replacement of Fire Station No. 2. He advised that NCIP and BCIP funding remained constant, and there were some new projects that had not been included in the plan last year.

Mr. Coulter said one new project involved replacement of the payroll personnel system at a cost of \$1.8 million, and \$1.2 million of that was being borrowed. He pointed out that \$125,000 was included in this year's CIP for Northeast 15th Avenue, with another \$125,000 budgeted in next year's CIP. In addition, the same level of funding was included for Northeast 18th Avenue. Mr. Coulter noted that \$100,000 in special assessments would be used as seed money to start some of the advance work associated with drawings, photographs and preliminary design work. If the assessment was successful, the \$100,000 would be replaced.

Mr. Coulter stated that there were still quite a few fire stations that had not yet been funded, and the 7th/9th Avenue Connector was a large project for which there was not much CIP money. In addition, Northeast 15th and 18th Avenues would need more money in the future. There were also improvements on Broward Boulevard and State Road 84 that had not yet been funded, and there were some infrastructure needs that had not been addressed due to the high cost. He stated that staff would be spend the first six months of the year trying to get a better handle on certain infrastructure needs, and here were other issues to fund that were not traditionally funded by the CIP such as Community Area Planning (CAP) projects, the Hyde Park site, Broward Boulevard, and State Road 84.

Mr. Coulter referred to the Airport. He noted that the Airport was doing a few projects this year, although it had always been successful at leveraging CIP dollars with federal and State grants. He stated that \$1 million in block grant monies would be spent on capital projects, and an update would be provided as to the CIP Master Plan on November 7, 2000. Mr. Coulter advised that a second stormwater crew would be kept up and running, and staff was examining the issue of whether or not a third crew was necessary based on experience this year. Mayor Naugle asked when staff would know, and Mr. Coulter replied that it appeared now that two crews were sufficient to maintain a three-month response schedule.

Mr. Coulter recalled that the Commission had requested a six-month update on CIP spending, so a progress report would be presented at that time. He added that the CIP would be presented for formal adoption on November 7, 2000.

Commissioner Smith inquired about the trash transfer station. Mr. Coulter advised that had been funded last year, so the money was earmarked for the project. That was also true of the Wingate project. Mr. Coulter said staff was seeking conceptual approval of the five-year CIP and, after whatever changes the Commission wanted were made, the first year appropriation could be presented on November 7, 2000.

Commissioner Katz inquired as to whether there had been a start at funding some major projects such as a new police station and city hall. The City Manager said those things would be coming forth in a "strategic plan" as opposed to being included in the CIP. He recalled past discussion about replacement and exploration of alternative funding sources. Commissioner Katz understood the 7th/9th Avenue Connector would be 80% funded with federal money, 10% from the State, and 10% from the City, which share was estimated at \$2 million. She asked if that money had been set aside. Mr. Coulter stated that \$1 million had been set aside so far, and half of that had already been spent on the City's share of preliminary costs. Mr. Coulter believed this project was going to turn out to be much greater than the \$15 million project originally anticipated.

Commissioner Katz understood the personnel/payroll system would be purchased with a loan. Mr. Coulter agreed that was correct and advised this would be less expensive than selling bonds. Mr. Damon Adams, Director of Finance, agreed the Sunshine State payroll loan had a low, variable rate, and the term would be shorter than the typical bond term. He estimated the loan would be paid off within 7 to 10 years. Commissioner Katz asked if the City would be carrying a significant amount of debt in the grand scheme. Mr. Coulter believed Fort Lauderdale had a low amount of debt compared to most cities. Mr. Adams stated that the bond rating agencies considered Fort Lauderdale's debt level to be modest, and there was room for additional general obligation bond debt.

Commissioner Katz understood the County's share of the gas tax would be declining in the coming years. Mr. Coulter said the City received about \$4 million in gas tax, and \$950,000 was used specifically for capital improvements. He expected the latter figure to remain the same, but he did not have any information on the total gas tax figure. Mr. Coulter agreed to provide that information.

Mayor Naugle pointed out that if the population in Fort Lauderdale decreased in comparison to the other cities in Broward County, the City would receive a smaller amount unless the population-based funding formula was modified. Commissioner Moore thought development to increase the population was a step in the right direction. Commissioner Smith agreed, but there

was not much growth outside of annexation. Commissioner Moore acknowledged that was true and a reason to be aggressive when it came to an annexation policy.

Commissioner Katz referred to page 2 of the CIP with respect to the Lincoln Park office space. She noted that \$800,000 had been included to renovate the facility for use by City staff, but she still felt private developers should be encouraged to deal with the facility in order to get the property back on the tax rolls and put the \$800,000 to better use. Commissioner Smith believed there were only 2 votes to support the idea. Commissioner Katz understood the original intent but, at that time, she did not think there were any private developers interested in the property. Mayor Naugle wondered what kind of use private developers might be interested in, and Commissioner Katz had heard that there were a couple of developers interested in some mixed use development.

Commissioner Moore believed the interest shown on the part of private developers in the Lincoln Park facility so far had only been conversation so far, and the community was opposed to the type of development he had heard about for the site. He recalled that the reason rehabilitation of the Lincoln Park facility had come under consideration had been that the City routinely leased property for its operations. Therefore, even if this facility was not used, some other space would be removed from the tax rolls anyway. Commissioner Moore was perplexed because the Commission had not yet been given the figures for renovation of Lincoln Park that had been promised.

The City Manager stated that the original estimate had been \$1 million to \$1.5 million. At least 2 of the City Commissioners had felt the cost was too high, and the consensus had been to proceed with plans for use of the site by City staff. He advised that 30% drawings had been done with an idea toward allowing the private sector to submit proposals for the development and provide more accurate figures. The City Manager said that staff had not been “dragging their feet” and he had pulled staff off other projects to prepare the drawings. Mr. Pete Sheridan stated that a selection committee was being established to review the Request for Qualifications (RFQ) document, which should be released within the next few weeks. Commissioner Moore was glad to hear that, but this had been discussed in July.

Mayor Naugle understood qualifications for a design/build contract were being sought. He suggested the Commission wait and see what kinds of prices were offered for discussion. Commissioner Smith agreed with Commissioner Katz that there were developers interested in building housing in this location, but he felt the City Manager should be moving in due haste to release the RFQ as directed. Mr. Sheridan said the RFQ would be released in 3 weeks. Commissioner Katz also wondered if the community would be interested in speaking with the potential developers to see if its concerns and needs could be accommodated in a private venture. Mayor Naugle preferred to discuss the alternatives once the figures were in hand.

Commissioner Moore said he had spoken to the interested developer, and other sites had been offered. He advised that he held a district meeting every 60 days, and he had placed this subject on the next agenda. Mayor Naugle pointed out that the figures would have an influence on the discussion. Mr. Sheridan wished to clarify the timetable. He stated that the qualification statements would provide a list of design/build teams that would then be short-listed. Then, proposals would be submitted from which figures would be derived. Mr. Sheridan thought the RFQ could be released in 2 weeks, and it would take 3 weeks to receive the qualification statements. It would then take another week or so to short-list the candidates, and a proposal package would be out for another 3 or 4 weeks. Mayor Naugle understood the process would take a couple of months. Mr. Sheridan agreed that was correct.

Commissioner Moore asked if the \$1 million in block grant monies was for land acquisition in the CRA. Mr. Coulter explained the intent was to incorporate this into the CIP so that when the bond rating agencies were approached, the City received credit for having spent some of the block grant monies on capital projects. In previous years, the money had been used for CRA stock, but the City Commission would consider separately the specific projects on which the money would be spent. The City Manager noted that there had been quite a bit of money to be spent last year so as not to have to return it to the federal government. That had been the reason a number of capital projects had been identified outside the typical CIP allocation. He explained that a more "normal" course of funding would be followed this year.

Commissioner Moore inquired about the project on 22nd Road on the site of Betty's Restaurant. Mr. Greg Kisela, Assistant City Manager, believed the total project estimate was \$1 million to \$1.5 million for the whole corridor, depending on the sophistication of the landscaping. Commissioner Moore recalled discussion about using some swale reclamation concepts, but if there was \$1 million available, he felt consideration should be given to using it for this project. It was his understanding that some \$2.5 million was received in block grant monies. Commissioner Smith desired a report as to the various block grant needs there were, and Mr. Coulter noted that this was not an additional \$1 million. Commissioner Moore understood that, but there were matching dollars available from the County. Mr. Kisela did not think the County had agreed on a particular level of funding, but it had agreed to partner with the City on a project on 22nd Road.

Commissioner Moore desired an evaluation of property already owned by the City, such as the compost plant site. He wanted staff to examine the idea of expanding the trash transfer station and relocating it in a place that would have less impact on surrounding neighborhoods. Commissioner Smith believed there were some County zoning issues. Commissioner Moore doubted there would be great problems and wanted to consider it.

Commissioner Moore referred to the 7th/9th Avenue Connector. He wondered if staff could provide any indication as to the cost of land acquisition. Mr. Kisela advised the pivotal issue was whether it would be 4 or 6 lanes. Commissioner Moore believed headway was being made on 4 lanes. Mr. Kisela explained that the more traffic was moved, the more money that would be forthcoming from the State and federal governments. He pointed out that 4 lanes would clearly not move as much traffic as 6 lanes, and there were various issues to work through to make the project viable for everyone. Commissioner Moore believed 6 lanes would just create a bottleneck at Broward Boulevard. Therefore, unless the bridge was also expanded, there was not much point in expanding the roadway.

The City Manager referred to the possible relocation of the trash transfer station. He advised that there were some possible environmental concerns with that site, although staff would examine the issues. Mayor Naugle thought use of it as a recycling center could pass the "straight faced" test due to the failed technology. Commissioner Moore agreed, particularly since nothing remained on the site overnight. Mr. Kisela did not think the Environmental Protection Agency (EPA) would move on this issue until after the national election.

Commissioner Hutchinson said her concern were the temporary road closures with no funds for providing permanent installations. She felt they were unsightly and poorly maintained, and she thought they should either be removed or permanently replaced. Commissioner Hutchinson hoped for some creative funding ideas. Commissioner Smith thought the greatest problem was due to the Commission's policy of not making these permanent unless a cul-de-sac was created, and they were expensive. He pointed out that a 3-point turnaround would be less expensive. Mr. Kisela believed the policy had been established due to safety concerns. Commissioner Smith noted that it was an internal policy.

Commissioner Moore suggested that the closures be included in the 5-year CIP. He thought it would be reasonable to make closures permanent if the community wanted them and if the trial periods were successful. Commissioner Smith thought the policy should be changed. Commissioner Moore suggested a scheduled Conference discussion of the subject. Mayor Naugle pointed out that Law Enforcement Trust Funds might be a potential funding source.

Commissioner Hutchinson thought more money was needed for NCIP/BCIP projects. Mr. Witschen stated that 11 projects were being recommended at this point. He agreed it would be good to increase the funding, but additional staff would be needed as well to further these projects. Commissioner Hutchinson had learned that Glendale did \$750,000 worth of these types of projects per year. Commissioner Smith was under the impression that BCIP was not as popular as the NCIP. Commissioner Hutchinson believed the rules had become stricter in terms of the application process.

Mayor Naugle wondered how many projects had been funded but not yet implemented. Commissioner Moore referred to the \$2 million carry-forward amount. Mr. Coulter stated that carry-forward projects closed this year amounted to \$400,000. That amount was money left over after completion of the projects and was being reallocated, but the projects themselves had been completed. Commissioner Moore thought there were projects that were not addressed for one reason or another. The City Manager stated that a project might not be addressed during the course of the year in which the funds had been appropriated, but absent Commission direction to the contrary, the monies would continue to be dedicated to the specific project.

Commissioner Moore inquired about the cost of permanent street closure. Mr. Kisela stated that the approximate cost was \$45,000, and there was about \$1 million in unfunded street closures. Mr. Partington stated that did not typically include right-of-way acquisition. Mr. Kisela advised that the real estate was usually conveyed to the City without cost through donation. Commissioner Smith wondered how many temporary closures existed at this time, and Mr. Partington estimated there were about 30. Commissioner Moore wanted to see permanent street closures in the CIP. The City Manager stated that the subject of funding permanent street closures was scheduled for Conference discussion in the near future. He explained that \$175,000 in applications for NCIP dollars had been turned down this year due to lack of funds.

Commissioner Smith referred to CAP funding. He understood there were major requests pending, and neighborhoods had heightened expectations. The City Manager stated that he had a plan, and a final report would be presented to the City Commission in February after a preliminary report in November. He agreed people needed to be reminded that just because they had gone through the CAP planning process, it did not mean projects would be automatically funded. However, at least a modicum of funding was needed to get a program started with incremental amounts included in the CIP, so those monies could be leveraged with grants.

Mr. Witschen stated that in the first CAP, the idea was to bond \$200,000 in order to leverage ten times that amount. Part of that could be used for NCIP projects in CAP areas at the end of the list to make some progress. Mayor Naugle understood he was talking about a regular bond, and Mr. Witschen thought that was a subject best discussed with the Director of Finance.

Commissioner Smith believed one of the most popular CAP requests involved speed humps, and he recalled funding speed humps in the amount of \$500,000 a couple of years ago. The City Manager believed the amount had been \$250,000, and Mr. Coulter noted the budget had been for various traffic type improvements. Mr. Partington stated that the speed humps were about \$20,000 per project, but the program had been working well insofar as funding was concerned. Commissioner Smith wondered why the speed humps on Northeast 16th Street, between Dixie Highway and 4th Avenue, had not been constructed yet. Mr. Partington said he would look into it.

Commissioner Smith referred to Las Olas Boulevard. He stated that there had been years of traffic planning and study, and now there was a plan. However, there did not seem to be any money for the project. He advised that a lot of people thought double left turn lanes at Broward and Las Olas Boulevards would alleviate a great deal of the congestion. Commissioner Smith wondered if just those elements could be funded separately and the rest of the features could be delayed. Mr. Kisela advised that the turn lanes would cost hundreds of thousands of dollars.

Commissioner Hutchinson asked if there was money from FDOT that could be leveraged. Mr. Partington stated that would involve land acquisition for capacity improvement. However, funds could be sought from the MPO's Transportation Improvement Plan (TIP). Commissioner Smith wondered how certain that funding was, and Mr. Partington acknowledged there were no guarantees. Commissioner Smith suggested trying to fund this in the CIP because this congestion affected so many people. The City Manager advised that staff could formulate a plan for presentation.

Action: As discussed.

I-B – Towing Contract

A discussion was scheduled on the proposed Request for Proposals (RFP) and suggested changes for the new towing contract. The City Manager advised that some questions had been raised the last time this contract was up for bid, and certain changes were proposed. Mr. Kirk Buffington, Purchasing Manager, stated that the current contract had been in place since 1994, and it involved two separate contractors serving two zones. In 1995, one of the contractors had withdrawn from the contract, and the other had been handling both zones ever since.

Mr. Buffington reported that there had been no increase in the allowable fee charges to citizens for towing or storage, and there had been no change in the franchise fee paid to the City. He stated that when the contract had come up for rebid, Purchasing staff had met with Police Department staff as the primary user of the services. Mr. Buffington noted that some of the towing involved confiscated vehicles, which the City paid for separately.

Mr. Buffington felt two changes to the contract were necessary, which had been highlighted in Memorandum No.00-1259. One was to bring the fees up to date based upon a survey of surrounding municipalities, and another was to allow for a greater fee to be paid to the City, again based on a survey of surrounding municipalities in this respect. Mr. Buffington stated that the 1994 contract allowed a maximum fee, and he suggested that be removed in order to allow the contractor to submit the price. He noted that the contract still called for free towing of disabled City vehicles, and he wished to point out for the record that there had been very, very few complaints about the current services. Mr. Buffington explained that this contract was being rebid because it was six years old, and there were probably other contractors interested in bidding.

Mayor Naugle agreed the fees were probably too low before, but he thought doubling the fees was too much. He suggested a compromise position somewhere in between. Commissioner Moore agreed the fees should be \$60 v. \$78, \$85 v. \$108, \$100 v. \$112, and \$120 v. \$180. He also preferred \$12 v. \$16 as to outside storage, \$25 v. \$33, \$25 v. \$40, and \$10 v. \$15. Commissioner Moore was not concerned about the other fees listed.

Commissioner Moore agreed that there should be two service zones. Mr. Buffington stated that was the intent of this contract, with a north and a south primary contractor.

Mr. George Mofe, Sal's Towing, said he had bid for this contract since it had first been let in 1990. He stated that the first year it had gone out, it had served as the model for the County. The City had set the towing rate and the franchise rate and then sought the best company based on merit. Mr. Mofe stated that his firm had come in second in the north zone, and the company that had been retained had elected not to renew. As a result, one company had been serving the whole City since 1995. Now, instead of seeking the best company, it appeared the City was trying to generate revenue from this contract, and he did not think that was the intended purpose. Mr. Mofe believed the purpose was to assist law enforcement and the motoring public.

Mr. Mofe understood that money was important, but he thought this RFP would just result in a bidding war by companies that could not produce. He stated this had occurred in Davie and several other cities, and the disparities had been incredible. Mr. Mofe thought the City should continue its practice of seeking the best company.

Mayor Naugle thought one of the problems was that towing companies ended up stealing cars. Finally, the City had found a contractor who had actually under-charged. He did not have a problem leaving it open ended because even if some company offered a lot of money, it would not be selected if it had poor references or a record of poor performance in other locales. Commissioner Moore did not think it would serve the City's best interests to impose a cap. Mr. Buffington stated that although revenue generated would be a consideration, it would certainly not be the only consideration during review of the proposals.

Mr. Mofe pointed out that the City was asking a towing company to pay a franchise fee, tow City vehicles for free, and tow cars free for the motoring public when the Police Department was processing vehicles. He did not understand how the economics worked, and he felt the language was unclear. If it referred to confiscated vehicles, Mr. Mofe thought that was one thing, but the RFP referred to vehicles being processed by law enforcement, which was very open-ended. Mayor Naugle pointed out that a pre-bid meeting would be held so companies would have an opportunity to question that sort of issue. In the meantime, he thought the Police Chief could estimate the number of tows that fell into that category so bidders could figure out the cost.

Ms. Carrie Creesa, Mac's Towing, agreed with several of Mr. Mofe's points. She was concerned about the contract being open-ended, and the review process allowed up to 30 points on the basis of the franchise fee proposed. Ms. Creesa thought that was rather high, and there was another line for subcontracting. She pointed out that a firm could push the franchise fee up in order to get the contract and then subcontract at a lower rate. Mr. Buffington noted that subcontractors had to be approved by the City, and that was fairly standard in most contracts. Commissioners Moore and Hutchinson did not care for that provision. Mayor Naugle agreed that language should be removed. Mr. Buffington advised that would be no problem.

Ms. Creesa referred to clean up. She explained that some vehicle owners called AAA, but then the City's towing contractor was called to clean up the street because AAA did not do it. She felt that if AAA was going to make the money on a tow, it should also have to clean the street afterwards. Commissioner Moore noted that was a service provided in order to get the exclusive contract. Mayor Naugle agreed it was a cost of doing business that had to be figured into a bid.

Mr. Craig Goldstein, Westway Towing, stated that contracts of this type were mostly based on services provided to police departments. He advised there was not a lot of private towing. Commissioner Moore thought most accidents involved at least 2 cars, and it was unlikely that both would have AAA. He felt it was reasonable to expect the towing company to clean up the street.

Mayor Naugle asked if there were points afforded to companies owned by women and minorities. Mr. Buffington replied that ordinances did not allow giving points for that, but it was encouraged. Commissioner Smith preferred to give 40 points for experience and 25 for franchise fees to ensure a top-notch company was retained. Commissioner Moore pointed out that the City Commission would ultimately approve the contract, and the point information would be provided.

Action: As discussed.

I-C – Broward Navy Days – “A Salute to STS-97” Special Event

A discussion was scheduled on a request from Broward Navy Days for a donation towards “A Salute to STA-97” special event, as requested by Commissioner Katz.

Mr. Joe Millsaps, Chairman of Broward Navy Days, extended an invitation to the City to participate in a very nice affair. He introduced several members of a committee that had been formed to organize this event. Mr. Millsaps stated that there was a young man who had grown up in Fort Lauderdale and risen to the rank of Commander in the Navy. He was a Navy pilot and an astronaut who would command the space shuttle flight scheduled for November 30, 2000. Mr. Millsaps explained the intent was to invite this hometown astronaut and his crew and their wives to visit Fort Lauderdale for a couple of days to be honored by the community. Mr. Millsaps felt this would be a very patriotic event and would promote the members of the astronaut corps as role models for community youngsters. He hoped the City would participate in the event.

Commissioner Moore believed Commander Jett had attended school in Oakland Park. Commissioner Smith asked how the schools were going to be involved. Mr. Millsaps said the agenda was fluid at this time, and representatives from throughout the community would provide input. He felt one of the most important part of the visit would be to bring the astronauts into the schools for assembly programs.

Commissioner Smith asked if requests could be made for appearances at specific schools, for example. Mr. Millsaps was sure that could be arranged because the schedule was open at this time. Commissioner Moore asked how much money the Broward County Commission was donating, and Mr. Millsaps replied \$5,000 had been committed. Commissioner Moore thought this was a wonderful idea, but he wondered how much money had been spent last year on events like this one.

Mayor Naugle noted this was a non-recurring request. Commissioner Moore understood that, but he wondered what the total amount spent on this type of event had been. Commissioner Katz said her position was that these sorts of things should go through the Community Services Board process, but this was an unusual, one-time event.

Action: Approved. Formal action to be taken at Regular Meeting.

I-D – 2001 State Legislative Agenda

A discussion was scheduled on the City's proposal for the 2001 State Legislative agenda. The City Manager introduced Ms. Linda Cox, the City's lobbyist, to make the presentation. Mr. Bud Bentley, Assistant City Manager, noted that Exhibit 3 contained items carried over from last year with the same prioritization. The same was true of Exhibit 2 relating to public improvements with adjusted figures. He pointed out that Memorandum No. 00-1563 listed some new proposals, and staff was seeking the Commission's priorities with respect to those issues.

Ms. Cox thought it was important to address the Telecommunications Bill. She understood Mr. Larkin had serious concerns about this, and action had to be taken this year, so this was an opportunity to seek changes that would benefit the City. She felt it was important to get some other large cities to join with Fort Lauderdale in this effort since the League of Cities and the County had signed off on this bill last year. Ms. Cox believed that if Fort Lauderdale was alone in this effort, it would fall on deaf ears.

Ms. Cox referred to the fifth new proposal related to insurance premium payments to cities for police and fire retirement benefits. She said the problem was that people were lax in the addresses they used, so the intent was to base this on a 9-digit zip code, which would be more accurate in terms of where the money should go. Ms. Cox stated there were several cities that were probably receiving more money than they should, so language holding those cities harmless would be necessary. She explained that the situation would have to be evaluated. Commissioner Smith understood that a lot of people said they lived in Fort Lauderdale when they actually lived within the limits of other cities. Mayor Naugle noted that certain zip codes extended over municipal boundaries. Ms. Cox understood the 9-digit zip code was much more specific.

Ms. Cox believed the speed hump issue had been pretty much resolved. Mayor Naugle understood Ms. Cox would alert the Commission if anything did come up in this regard, and she agreed she would do so. Ms. Cox said that the only way someone could challenge it would be if they could prove a special injury above the general public, so this item could be removed from the list.

Ms. Cox had some concerns about soccer being listed because that was not very popular in Tallahassee at this time. She explained that the Statute would have to be amended to allow for soccer, and there would be a financial impact. Ms. Cox said there was a process for funding professional sports facilities, but it did not include soccer. Therefore, a process would have to be created, and Ms. Cox said she would pursue that issue.

Ms. Cox referred to railroad crossings. She believed this issue had also been resolved insofar as the five-minute delay was concerned. Commissioner Moore wondered if any of the Commissioners had been experiencing delays greater than 5 minutes. Commissioner Hutchinson said she had been delayed sometimes in the morning near Progresso and on State Road 84. Ms. Cox stated that an 800 number was available for reporting delays. Mayor Naugle did not feel the issue was resolved.

Commissioner Smith inquired about funding for the Juvenile Intervention Facility (JIF). Apparently, there had been an agency budget cut, and he wanted to include this on the legislative agenda. The Police Chief said he had learned the same amount of money was available, but the funding philosophy in Tallahassee had been changed to a model that addressed those who had already gone through the system as opposed to a model geared toward catching young people at an early age. Commissioner Smith understood there was little early intervention with a greater focus on those who had already stolen 15 cars. The Police Chief agreed the Department of Juvenile Justice had a heavy emphasis on severe repeat offenders. Commissioner Smith felt that if that was the case, the budget should be increased. The Police Chief agreed a prevention approach worked better in the long run.

Commissioner Moore pointed out that Fort Lauderdale was the only municipality with its own jail and asked how much of it was actually used on a daily basis. The Police Chief stated that double bunking allowed a capacity of 110, and the beds were mainly filled either with municipal prisoners or prisoners from other agencies that had contracts.

At 3:44 P.M., Commissioner Hutchinson left the meeting.

Commissioner Moore asked if the drug treatment program was still in effect. The Police Chief reported that program (ATAC) had been taken over by the Broward Sheriff's Office.

At 3:46 P.M., Commissioner Hutchinson returned to the meeting.

Commissioner Moore asked if adequate revenues were being derived by the jail now. The Police Chief replied that the jail was not paying for itself. Commissioner Smith noted that many youths were burglarizing homes and stealing cars, but the police could only take them home now that they could not bring them to the JIF if the incident occurred after 9:00 P.M. The Police Chief stated that the best part of the previous program was that it allowed services to be brought to the offenders' families as well as detaining the offenders.

Mayor Naugle thought some pilot funds could be helpful in demonstrating how successful the program was, and Commissioner Moore wondered if there was some method to provide this programming within the Police Department. Commissioner Smith believed there were a lot of personnel costs involved. The City Manager agreed there were more than just capital costs, because when juveniles were detained there could be costs for medical services, psychological services, etc.

Commissioner Katz wondered if the State would consider changing the formula for allocation of the gas tax. She felt coastal cities should get some sort of bonus funds. Mr. Bentley thought there would be less chance of modifying the State Statutes than having local municipalities agree to a change. He explained that the State Statutes allowed the cities within the counties to adopt an alternative formula, but he did not believe cities containing 50% of the population would agree to a change.

Commissioner Smith noted that Fort Lauderdale voted against ratifying the population-based formula every year. Commissioner Katz wondered if the coastal cities would be willing to work together. Mayor Naugle thought a coalition of cities should be built to address the issue. The City Manager explained that even if every coastal city participated, it would still not amount to more than 50% of the County population. Commissioner Smith suggested lobbying urban cities, which might draw in Plantation and Coral Springs. Commissioner Moore wondered if a formula might be more successful if it considered "people generating centers" like beach cities, cities with major malls like the Sawgrass, and communities with tourist attractions.

Mayor Naugle noted an error on page 1 of Exhibit 2, which read "Dr. Carter Shirley Road" rather than "Dr. Calvin Shirley Road."

Ms. Cox referred to transportation funding. She noted that if a project was not on the MPO list, it would probably not get funding.

Mr. Bentley advised that staff needed direction as to the new proposals listed in Memorandum No. 00-1563. Commissioner Smith wanted the JIF to be one of the top priorities. He also liked Mayor Naugle's idea about a local option for cities with populations over 100,000 to create their own counties. Mayor Naugle advised that was an idea from another Mayor in the State. He said he wanted to support it as opposed to sponsoring it.

Commissioner Katz felt priority should be given to the emergency room funding. She also wondered if a new agency would have to be created with respect to the insurance premium payments. Ms. Cox did not believe so. She thought one agency should be responsible.

Commissioner Moore wondered why the seventh item pertained to increasing penalties for “identity theft” of persons over 60 years of age. Commissioner Smith understood the elderly were targets of this crime. The Police Chief stated that Fort Lauderdale had a high rate of elderly victimization, and an enhanced penalty for those who took advantage of the vulnerable would be a helpful tool.

Commissioner Moore did not feel there should be an age minimum for crime victims. The Police Chief stated that there were already enhanced penalties for certain types of crimes, and the Legislature was particularly concerned about crimes against the elderly. Mayor Naugle thought the age should be changed to 65, which was the age for social security. It was the consensus of the Commission that the emergency room and the JIF policy should be the two highest priorities.

Action: As discussed.

I-E – Broward County Safe Parks and Land Preservation Bond Referendum – Tentative List of Projects for the City of Fort Lauderdale

A discussion was scheduled on the updated tentative list of projects for the City as part of the Broward County Safe Parks and Land Preservation Bond Referendum scheduled for November 7, 2000. The City Manager reported that there had been ongoing discussions with County staff since the Commission last discussed this subject, and meetings with individual Commissioners had been offered about the possibilities if the Bond was approved. He advised that the list of projects, which had been distributed to the Commission, was fairly exhaustive although no “iron-clad” guarantees could be provided. However, there was an understanding that Fort Lauderdale would be favorably viewed should the Bond Issue pass.

Commissioner Katz pointed out that it would not be County staff making the decisions on the projects. She understood a committee would be appointed for that purpose. *Mr. Steve Sommerville*, of Broward County, stated that City staff had proposed an inventory of very exciting and worthwhile projects. He believed they were eligible under the guidelines proposed by County staff for the bond projects. Mr. Sommerville reported that the County Commission had adopted a resolution establishing criteria for bond project funding, and a 13-member oversight committee had been established as well.

Mr. Sommerville stated that 2 of the members of the committee would be appointed by the Broward League of Cities, and it would be composed of recreational and science professionals. In addition, the Trust for Public Lands would serve as a nominating committee to suggest appointees to the Broward County Commission. Commissioner Moore asked if the appointments would be regional to ensure there was representation from all over the County. Mr. Sommerville said there had been considerable discussion in this regard and, although the members would not have to come from specific districts, the best people and diversity would be sought.

Mr. Sommerville noted that land acquisition would be approached from a willing seller standpoint to negate the need for any condemnation. Any purchase over 10% of the appraised value would require a super-majority vote of the County Commission, and the oversight committee would review all properties.

Commissioner Smith said there had been concerns about equity, but it seemed as if there had been a lot of movement in that direction on the part of the County Commission and its staff. Mayor Naugle understood a resolution would be presented this evening.

Mr. Ken Strand, of Nurmi Isles, did not agree that this bond issue would be fair and equitable for Fort Lauderdale residents. He hoped the voters in Fort Lauderdale would vote against it. Mr. Strand did not feel the City would be getting a fair share. He understood Fort Lauderdale taxpayers would be contributing from \$64 million to \$68 million, and the County had indicated that consideration would be given to some \$43 million worth of City projects with no guarantees. Mr. Strand felt that if the City Commission felt these projects were necessary, the City should have its own bond issue instead of subsidizing other County projects. He believed the taxpayers would save \$20 million if the City sold its own bonds.

Mr. Gary Sieger, North Beach Island Alliance, stated that the Alliance was a proponent of open space, and he pointed out that Fort Lauderdale was already built-out. He believed the only way to get more open space would be to reclaim some lands. Mr. Sieger applauded County and City staff for compiling this list of projects that qualified under the County's referendum. He understood there could be no guarantees, but there were assurances that the projects would qualify and would be considered. Mr. Sieger hoped the Commission would support the bond issue.

Commissioner Moore said he had always been interested in reclaiming property for open space, but he did not see that on the list. He advised that he had met with Mr. Sommerville yesterday and was pleased with the types of projects being proposed. However, there were certain properties he felt should be reclaimed, such as the property just south of the African-American Research Library site. It was adjacent to Delevoe Park, and it was a junkyard directly on the waterway. He stated that there was another site on the North Fork of the New River at 27th Avenue. Commissioner Moore recalled that a bus line company on that site had been cited for dumping in the River, and he felt this property should be reclaimed for open green space.

Commissioner Moore noted that there was another property of concern north of Mills Pond Park. It was his understanding that the owner could not develop it anyway, so he saw no point in acquiring that site with public money. He suggested that each Commissioner investigate properties in their districts that could be reclaimed, particularly along waterways. Commissioner Smith understood the project list was "fluid" so items could be added at any time. Commissioner Moore acknowledged that was true, but he felt greater consideration should be given to reclaiming developed land.

Commissioner Moore was concerned about the County promoting this parks bond issue. He had not thought it was legal for a governmental entity to promote passage of bonds, as opposed to simply educating the community on the issue. The City Attorney said he would contact the County Attorney in this regard. He advised it had always been the policy of the City to provide information in these matters, but not to recommend in favor or against a bond issue with public funds. Mr. Sommerville stated that a written legal opinion in this regard had been obtained. He understood there was a 1998 Florida Supreme Court case that gave the County the ability to do this if something was determined to be for the public good. Commissioner Moore was still concerned about the banners being displayed in various locations including the Library.

Mayor Naugle asked the Commissioners if they wished to adopt a resolution supporting the bond issue this evening. Commissioner Smith preferred to take a neutral position. Commissioner Moore agreed that was the best tact to take at this point. Commissioner Smith added that he was very encouraged by all the hard work that had gone into this issue, and it appeared the County was trying to give Fort Lauderdale as much as possible, but he felt the voters should decide. Mayor Naugle pointed out that this would be the last chance to adopt a resolution of support before the referendum.

The City Manager noted that if the bond issue still passed, no matter how Fort Lauderdale citizens voted, the City taxpayers would still have to pay for it. Commissioner Moore said that was the reason he was happy about the projects already listed, but he felt there should be more added. Mayor Naugle thought that if the bond issue passed, Fort Lauderdale would be better off if it supported the issue.

Mayor Naugle suggested that the proposed project list be published in "Focus" in order to educate the voters. The City Manager agreed to do so.

Action: As discussed. Commission to take neutral position on bond issue.

At 4:22 P.M., Commissioner Katz left the meeting. She returned at 4:25 P.M.

II-A – Community Area Planning (CAP) Initiative for the Central Area

A report was presented on the status of the CAP initiative for the central area of the City. Commissioner Moore said he had received letters of concern about this process and how projects were selected. He believed this had been a very open process, and he thought the City had done everything possible to help the community understand the need for its participation. Commissioner Moore had even offered \$1,000 to the civic association who had the greatest number of people present. However, he was concerned after reviewing Exhibit 2, and people in his district did not feel they had any chance of their projects being prioritized since speed humps seemed to be the top priority.

Commissioner Smith believed someone had brought in a busload of people who wanted the speed hump on a particular road, although he had not thought that was quite fair either. Commissioner Moore asked for a staff opinion on how this had happened.

Mr. Romeo Lavarias, Planner III, stated that the Commission approved the CAP initiative, and the first step had been to identify the goals for the central area. He advised that six community workshops had been held in June, and over 800 goals had been generated. Staff had then refined them down to about 145 goals with the rest falling beneath them as objectives. Those 145 goals had then been presented at Mills Pond Park on August 16, 2000, and the community had been invited to vote on the goals, and a new list had resulted. Mr. Lavarias stated that the first 18 goals had garnered over 51% of the votes. He advised that staff had then started working on the 18 goals through task groups, and similar goals had been grouped.

Mr. Lavarias said the task groups were mid-way through a process to come up with some solutions. He stated that on November 15, 2000, the community would be invited to come to Mills Pond Park again to help prioritize the goals. After that, staff would consolidate the information to come up with a final ranking and start working on the details for accomplishing those goals.

Mr. Lavarias stated that information would be provided as to how much each task would cost and how long the work would take so the Commission could provide direction. He advised that there had been thorough publicity about the community workshops through newspapers, radio stations, etc. Commissioner Smith was sure that reducing crime was the top priority in his district, but when he had gone to Mills Pond Park, there had been about 8 different things to vote on if crime was your primary concern. As a result, the votes had been spread out too broadly, and he felt the vote had been skewed.

Mr. Lavarias said many people had provided a broad spectrum of ideas with several objectives beneath each of the goals. Commissioner Smith thought there had been so many that fell within the category of reducing crime, and that had still ranked high, but he was concerned about how the questions had been posed. Commissioner Moore noted, for example, that community beautification had been one item, while improved landscaping had been another although it was really the same thing. He believed this had been the reason for the confusion.

Commissioner Smith thought all the main priorities had been identified, and it would be up to the Commission to decide how to proceed. Commissioner Moore did not object to that idea, but he did not want the public to think the Commission was ignoring the results of the exercise. He also wanted staff to know that the community had been very appreciative of staff's efforts, but he hoped there was a fair representation of the community's desires. Commissioner Moore noted that he was particularly concerned about sewers, for example, but there had only been one question dealing with sewers while there had been five about street beautification. Mr. Lavarias noted that the language used had come straight from the community, and the actual words had been used so people would recognize their ideas.

Action: None.

II-B – Parks General Obligation bond (GOB) Quarterly Report – Third Quarter of 2000 (July through September)

A report was presented on the progress of the Parks GOB projects for the third quarter of 2000. Commissioner Moore was not happy with the progress on Carter Park. Mr. Greg Kisela, Assistant City Manager, stated that the project was in the final design process at this time. Commissioner Moore believed this Park had been under design for four years. Mr. Kisela stated that the architect had been stalled due to issues raised by the Florida Department of Transportation (FDOT).

Commissioner Moore asked when the drawings would be completed. Mr. Pete Sheridan, Assistant City Engineer, stated that there were some resources issues to be addressed, but he was comfortable an amicable agreement could be reached with the designer. He expected submission of drawings in March or April. Commissioner Moore did not find that timetable acceptable. He stated that if the designer had some other project going, he would prefer another designer. Commissioner Moore did not want to wait another year before permits were issued.

Mr. Kisela explained that the designer, Miller Legg, could not be fairly criticized. They had been told to stop work pending resolution of the FDOT issues. The firm was committed to this project and intended to allocate appropriate resources, but there were some disagreements about premiums for stopping and starting work. Mr. Kisela stated that Carter Park was a priority. Mayor Naugle asked if Miller Legg was seeking damages. Mr. Kisela explained the firm had committed resources to the project, but then the work had been stopped, and the resources had been diverted to other projects because this project had been halted for almost a year.

Commissioner Moore recalled that renderings had been prepared long ago. Mr. Sheridan stated that conceptual issues had been discussed along with programming elements of the Park. Now, technical design elements were underway to produce a document for permit issuance. He advised that the drawings were at the 50% level, but detailed drawings and structural design still remained. Commissioner Moore understood Miller Legg was now working on other projects and did not have the staff for this project now. Mr. Kisela clarified that Miller Legg had been put back on the project this summer, and it took time to prepare construction drawings, specifications, etc. The City Manager said he would provide a Friday memo with a timeline.

Action: Staff to provide report regarding Carter Park.

II-C – Purchasing Contract Extensions/Renewals

A report was presented on the Purchasing Division's upcoming contract extensions and/or renewals. Commissioner Smith was still concerned about trash piles that were not being picked up within 48 hours. The City Manager said he had received a complaint from Commissioner Hutchinson that piles were being picked up too soon after notice. Commissioner Hutchinson explained that notices were placed on doors and people were charged for a collection when it was collected on bulk trash day anyway. Commissioner Moore thought they were charged because they put the trash out too early and impacted the neighborhood.

Commissioner Smith wanted to know why bulk trash was on the curb for more than two days. Mr. Greg Kisela, Assistant City Manager, stated that the Southern Sanitation contract had not been used since January. He explained that illegal piles that were cited were collected by City crews on Wednesdays and Saturdays. Mr. Kisela said that this contract was being renewed so the City would have the flexibility to use the contractor, if necessary. Commissioner Smith did not feel the job was getting done.

Mr. Ed Udvardy, Public Services, explained that crews were notified about piles by noon on Tuesdays, and they were collected on Wednesdays. When crews were notified about piles by noon on Fridays, those were collected on Saturdays. Commissioner Smith said he felt like a Code Inspector. Mr. Udvardy stated that Southern Sanitation had not been responding quickly enough, and there bills were not submitted in a timely fashion so the charges could be included on water bills to recover costs.

Commissioner Moore wondered how much a bulk trash truck cost, and Mayor Naugle thought it would cost about \$120,000. Mr. Udvardy believed the cost was closer to \$100,000, and the trucks were used for about 7 years. Commissioner Moore preferred the City handle this task itself, and he was not sure it was worth having a truck just to do these types of collections. However, he thought it should be considered. Commissioner Smith did not think that was the problem.

Mr. Pete Witschen, Assistant City Manager, said he could not say there was never a problem, but a lot of piles were collected. Commissioner Moore said there was a house on Northwest 15th Terrace, and there was always a pile of trash out front. Mayor Naugle believed that was in the 600 block, and Commissioner Moore said it was behind the car wash.

Commissioner Smith wanted a zero tolerance policy in his district. He did not think the job would be getting done until there was never a pile of trash that stayed on a swale for more than 2 days. Commissioner Smith did not believe neighborhoods could be revitalized until there was no trash piled along the streets. Mayor Naugle understood staff could collect the trash within 3 or 4 days without adding more personnel. He asked Commissioner Smith if he would be happy if trash piles never stayed out for more than 3 or 4 days. He replied he would, and he said he would appreciate it if greater efforts could be made.

The City Manager said he had inquired about what it would take to assign a truck to each district. If the cost could be assigned to those causing the problem, it would be easier to make a decision in this regard, so he said staff would continue to examine the situation.

Action: As discussed.

IV – City Commission Reports

1. Performance Evaluations – City Manager, City Attorney and City Clerk

Mayor Naugle asked that performance evaluations for the City Manager, the City Attorney, and the City Clerk be scheduled for November 7, 2000. He noted that evaluation forms had been used in the past, but he believed the Commission preferred verbal evaluations. Commissioner Moore preferred to speak to these employees one on one. Mayor Naugle noted that each Commissioner could do that, and possible raises could be discussed at the next meeting. He pointed out that the City Manager's contract was coming up for renewal soon.

Mayor Naugle asked the City Clerk to distribute the evaluation forms to Commissioners for informational purposes in case they wanted to use them.

Action: As discussed.

2. November 7, 2000 Meeting

Commissioner Moore suggested that the November 7, 2000 meetings be rescheduled to November 8, 2000 since November 7th was election day. Mayor Naugle said he could not be present on Wednesday due to the Film Festival, and he felt it was already too late to reschedule it. Commissioner Moore felt it was too difficult to attend meetings on election day, particularly a national election. It was the consensus of the Commission to keep the November 7th agenda light.

Action: As discussed.

3. "Under 21" (Patron Age Restrictions) Ordinance

Commissioner Katz wondered if establishments with maximum capacities under 300 could be exempted from the "Under 21" ordinance. The City Attorney stated that the first emergency hearing on the ordinance had been held, and another was scheduled for later this week. The judge had been concerned about how fast the ordinance had gone into effect, and there were those who did not know which establishments qualified as restaurants. Therefore, the judge had enjoined the City from making physical arrests temporarily, although Notices to Appear could be issued.

The City Attorney said he had done some research on Commissioner Katz's suggestion, and there was no definitive judicial decision upon which to rely. However, he did not think he could support the idea because harm to an underage person was just as great in a small establishment as in a large one. The City Attorney did not feel an exemption could be "carved out" based on the size or seating capacity of an alcoholic beverage establishment therefore.

Commissioner Hutchinson did not favor this ordinance at all. She pointed out that there were a lot of places that were not the problem, and they were being punished because of problems at one club. She asked if those under 21 years of age were still being allowed into the club on the beach and if Notices to Appear were being issued. The Police Chief stated that of the 11 or 12 establishments in the City, all but 2 were in compliance. Those two were the Chili Pepper and Club Atlantis. He advised that all of the establishments were visited nightly to document the status.

Mayor Naugle said that although the Club Atlantis was the "problem club of the day," that had not been his reason for supporting this ordinance. He felt exempting smaller clubs would just push the problem into neighborhoods.

Mr. Robert Sanders distributed some written materials. He believed the original premise of the ordinance had been that crime in the 18- to 21-year-old age group had increased on the beach. However, the data showed that arrests in that age group had actually decreased. In addition, another City had a midnight permit law, and it had been used to shut down a club about which there had been a lot of complaints. That City was Margate, and Mr. Sanders pointed out that Fort Lauderdale had only recently adopted a midnight permit ordinance. He felt that was the appropriate method of enforcement.

Mayor Naugle was more concerned about the young people being victims of crimes rather than perpetrators. The Police Chief felt the issue was the commingling of young people in alcohol establishments. He stated that there had been an interesting episode of "20/20" recently showing some of the activities going on inside some clubs, and there were a lot of small clubs looking for quick profits that could potentially become problems.

Commissioner Smith recalled discussion about a separate area for young people where alcohol was not sold. He wondered how the City Attorney felt about that idea. The City Attorney stated that if there was an area where no consumption of alcohol was allowed could be viable depending on how the Police Department felt about enforcement. He noted it would require an impenetrable wall separating the areas, but he thought that could be defensible as part of the ordinance.

The City Manager thought that was one potential option, but there were other issues associated with the idea, such as ADA requirements, fire exits, restrooms, additional personnel training, etc. He was also concerned about the impact on police resources.

Mayor Naugle noted that the Committee for the Sounds of Young Fort Lauderdale had met, and he was hopeful that other cities might plan some activities as well, perhaps through the support of the Broward League of Cities. The Police Chief advised that Mr. Alan Forgea had a meeting, and there had been a tremendous response from the private sector to sponsor musical events. In fact, some recording contracts had been promised for winners of a "battle of bands" type of contest.

Action: As discussed.

4. Citrus Canker

Commissioner Hutchinson reported that *Ms. Susan Peterson* had provided some information about citrus canker. It appeared that Miami had obtained an injunction, and she was extremely concerned about the safety of pets when the crews came to cut down citrus trees. Ms. Peterson felt the State's citrus canker program was a terrible violation of property rights. She said she had been asked by the Citrus Eradication Committee to ask the City Commission to join with Plantation and other cities to seek a temporary injunction to put a stop to the cutting until it could be determined that the program was based on good science. Ms. Peterson thought the situation was out of control.

Ms. Peterson stated that older trees had a natural resistance to citrus canker. Therefore, she felt the Commission should consider trying to save the people of Fort Lauderdale from what amounted to organized home invasion. She hoped the Commission would join with other cities to seek some relief from this loss.

Commissioner Smith said his greatest concern was that the appeal process set up for those who did not feel their trees should be cut only lasted 5 days, and they had to travel to Palm Beach to file an appeal. He did not think that was enough protection for people who felt they had a case. Commissioner Smith felt there should be some local means of appeal, and he wondered how Miami had obtained an injunction.

The City Attorney said all he knew at this point was that Miami was going to ask for an injunction. Ms. Peterson believed it had already been issued. Mayor Naugle understood there would be a hearing. The City Attorney agreed there could be a hearing in a matter of days, and the powers of the State in this respect were extraordinary, but the courts had upheld those powers frequently in the past. He thought these attempts were probably nothing more than delaying tactics. The City Attorney believed the State would be willing to make a presentation as to exactly what was being done and why, and the idea of broadening the appeal process could be transmitted to the State in the hopes of a response at the next meeting. He did not think seeking an injunction was the right way to go.

Commissioner Hutchinson pointed out that a lot of trees could be lost in the next two weeks. She thought it would be a good idea to seek a delay until a presentation could be made at the next meeting and certain questions answered. She also did not understand why there could not be a means of appealing locally. The City Attorney stated that most of the previous cases had involved owners of entire groves who might potentially lose their livelihoods, and it would be very difficult to mount a successful challenge.

Commissioner Smith suggested that staff provide an updated report this evening. Mayor Naugle supported that idea. He understood some people believed this was a way to drive up the prices of citrus, and it was unlikely that canker would spread from an urban area to the northern groves. He also desired information on action being taken by the City of Plantation.

Action: Staff to provide report at Regular Meeting.

At 5:20 P.M., the meeting was adjourned for a closed-door session for the purpose of discussing labor negotiations.

NOTE: A MECHANICAL RECORDING HAS BEEN MADE OF THE FOREGOING PROCEEDINGS, OF WHICH THESE MINUTES ARE A PART, AND IS ON FILE IN THE OFFICE OF THE CITY CLERK FOR A PERIOD OF TWO YEARS.